

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LUIS TOPETE,

Plaintiff,

vs.

MATTHEW LIVERANI, *et al.*,

Defendants.

Case No. 3:09-cv-00615-LRH-RAM

ORDER

On November 3, 2009, the Court ordered that Plaintiff file an application to proceed *in forma pauperis* or pay the filing fee of three hundred fifty dollars (\$350.00) by December 5, 2009. (#3). On December 15, 2009, the Court granted Plaintiff an extension in which to comply with the Court's prior order. (#4). Plaintiff had up to and including January 5, 2010, in which to submit a new Application to Proceed *in Forma Pauperis* or pay the \$350.00 filing fee in full. The Court further advised Plaintiff that failure to comply with the Court's order would result in dismissal of his action. Plaintiff has not submitted a new Application to Proceed *in Forma Pauperis* or paid the \$350.00 filing fee in full. Plaintiff has failed to comply with the Court's order.

**IT IS THEREFORE ORDERED** that this action shall be **DISMISSED** without prejudice. The Clerk of the Court shall enter final judgment accordingly.

DATED this 22<sup>nd</sup> day of January, 2010.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE